

Message Text

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43

ORIGIN L-03

INFO OCT-01 IO-14 ISO-00 SCI-06 AF-10 ARA-16 EA-11 EUR-25

NEA-10 RSC-01 SPC-03 OIC-04 DLOS-06 CIAE-00 COME-00

DODE-00 EB-11 FMC-04 INR-10 NSAE-00 CG-00 COA-02

AEC-11 INT-08 CEQ-02 EPA-04 DOTE-00 TRSE-00 SSO-00

INRE-00 /162 R

DRAFTED BY L/EN:MJMATHESON:EB

APPROVED BY L/EN:MJMATHESON

L/OA - MR. OXMAN

IO/UNP - MR. SCULLY

SCI/EN - MR. SALMON

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FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

C O N F I D E N T I A L STATE 231549

FOR WILLIS

E.O. 11652: GDS

TAGS: OCON, SENV

SUBJECT: RESULTS OF IMCO MARITIME CONFERENCE

REF: GENEVA 5967

1. FINAL TEXT OF CONVENTION FOR PREVENTION OF POLLUTION
FROM SHIPS, 1973, POUCHED TO ATTENTION OF WILLIS. CONVEN-
TION ADOPTED WITHOUT NEGATIVE VOTES.

2. SETTLEMENT OF DISPUTES COVERED BY ARTICLE 10 AND "PRO-
TOCOL II." ARTICLE 10 PROVIDES: "ANY DISPUTE BETWEEN TWO
OR MORE PARTIES TO THE CONVENTION CONCERNING THE INTERPRE-
TATION OR APPLICATION OF THE PRESENT CONVENTION SHALL, IF
SETTLEMENT BY NEGOTIATION BETWEEN THE PARTIES INVOLVED HAS
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NOT BEEN POSSIBLE, AND IF THESE PARTIES DO NOT OTHERWISE

AGREE, BE SUBMITTED UPON REQUEST OF ANY OF THEM TO ARBITRATION AS SET OUT IN PROTOCOL II TO THE PRESENT CONVENTION." PROTOCOL II SETS FORTH PROCEDURES FOR COMPOSITION OF ARBITRAL TRIBUNALS AND CONDUCT OF ARBITRATIONS.

3. ARTICLE 10 WAS ONE OF THREE BASIC OPTIONS CONSIDERED BY CONFERENCE: THE OTHERS WERE COMPULSORY SUBMISSION TO INTERNATIONAL COURT OF JUSTICE (ICJ) AND VOLUNTARY SETTLEMENT AS PARTIES MIGHT AGREE. IN DEBATE, MAJORITY OF

MARITIME STATES EXPRESSED PREFERENCE FOR ICJ, BUT ALSO INDICATED THAT COMPULSORY ARBITRATION ACCEPTABLE. U.S. STRONGLY SUPPORTED COMPULSORY ARBITRATION. SOVIETS AND MOST LDC'S SUPPORTED VOLUNTARY SETTLEMENT.

4. INDICATIVE VOTES TAKEN IN COMMITTEE ON THREE ALTERNATIVES. COMPULSORY ARBITRATION RECEIVED MOST SUPPORT,

LARGELY BECAUSE SOVIET BLOC ABSTAINED ON COMPULSORY ARBITRATION ALTERNATIVE AFTER PRIVATE U.S. ASSURANCE THAT WE WOULD NOT INSIST ON ARTICLE PROHIBITING RESERVATIONS. ON FINAL VOTE, PRESENT ARTICLE 10 RECEIVED MORE THAN 2-1 SUPPORT, WITH SOVIETS THEN VOTING NO FOR THE RECORD. KISSINGER

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Message Attributes

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Copy: SINGLE
Draft Date: 26 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: worrelsw
Disposition Case Number: n/a
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Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
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30 JUN 2005

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